THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20244 OF 2005

DATED:14.9.2005

Between:

V.Danayya

…Petitioner

And

The Commissioner, Municipal Corporation of Hyderabad

Tank Bund, Hyderabad and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20244 OF 2005

ORDER:

The petitioner's wife purchased a house bearing No.7-1-377/4 at Balkampet, S.R.Nagar, Hyderabad from one S.Pushpalatha and S.Yadagiri. The petitioner's wife also purchased vacant land admeasuring 15.66 Sq.yards from A.P.Housing Board. According to the petitioner both the plans attached to the sale deeds show six feet lane between houses of the petitioner and Yadagiri. The petitioner approached the first respondent by filing complaint on 26.2.2004 and 8.3.2004 alleging that Yadagiri is constructing a three-storied building illegally without permission from the respondents. After conducting necessary enquiry, the Assistant City Planner in the office of Municipal Corporation of Hyderabad, second respondent herein, informed the petitioner that necessary action was taken against unauthorized construction by issuing notice under Section 452 of the Hyderabad Municipal

Corporation Act, 1955 (for short, the Act). The petitioner was also informed that the dispute with regard to the land is civil dispute which can only be settled in Civil Court. Aggrieved by the same, petitioner filed the present Writ Petition.

The learned counsel for the petitioner strenuously contends that as per the registration plan there is a six feet lane on the southern side of the property and therefore it cannot be a civil dispute. Reliance is placed on the plan annexed to the sale deed, a Xerox copy of which is filed before this Court.

The registration plan can never be evidence of the presence of six feet lane. Therefore, *prima facie* the respondents 1 and 2 are right in opining that the dispute regarding lane is civil dispute which can be resolved by Civil Court. If so advised, petitioner or his wife may approach Civil Court for appropriate declaration.

The Writ Petition is accordingly dismissed. No costs.

_____

14.9.2005 (V.V.S.RAO, J)

bnr